

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. R-04/10-191
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Health Access Eligibility Unit that he and his wife are no longer eligible for medical benefits under CHAP. The issue is whether the petitioner's income exceeds the maximum allowable under CHAP.

FINDINGS OF FACT

1. The petitioner is married with one child. Prior to March 2010 the petitioner's income made him and his wife eligible for CHAP.

2. The petitioner started a new job in March 2010. Based on his reported earnings (\$8,141.63 a month), the Department notified him on April 6, 2010 that effective May 1, 2010 he and his wife would no longer be eligible for CHAP.

3. The petitioner does not dispute that the Department has correctly calculated his income and applied the applicable eligibility guidelines. His appeal essentially is for continuing benefits because his wife had surgery

scheduled in early May. His benefits have, in fact, continued pending this appeal.

ORDER

The Department's decision is affirmed.

REASONS

Income eligibility for CHAP is determined based on all earned and unearned income in the household. Procedures Manual § 2420. Currently, the maximum for a three-person household is \$4,598. Inasmuch as there is no dispute that the Department, based on information provided by the petitioner, correctly determined the petitioner's income as of May 1, 2010, the Board is bound to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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